




# KANSAS DEPARTMENT OF CORRECTIONS

	<b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	<b>SECTION NUMBER</b>  <b>05-109</b>	<b>PAGE NUMBER</b>  <b>1 of 3</b>
		<b>SUBJECT:</b>  <b>INFORMATION TECHNOLOGY AND RECORDS: Facility &amp; Central Office Processing of Immigration &amp; Customs Enforcement [ICE] Detainers.</b>	
<b>Approved By:</b>  <b>Secretary of Corrections</b>		<b>Original Date Issued:</b> <b>03-16-07</b>	<b>Current Amendment Effective:</b> <b>03-16-07</b>
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<b>Reissued By:</b>  <b>Policy &amp; Procedure Coordinator</b>		The substantive content of this IMPP has been reissued as per the appropriate provisions of IMPP 01-101. The only modifications within the reissue of this document concern technical revisions of a non substantive nature.  <b>Date Reissued:</b> <b>05-20-11</b>	

## POLICY

Pursuant to a systematic and reciprocal agreement between KDOC and the Department of Homeland Security, Immigration, and Customs Enforcement; the Department shall seek to ensure a consistent statewide approach to providing assistance to ICE in identifying illegal immigrants among the inmate population and in processing ICE detainers. Such a cooperative arrangement shall promote the goals of clarity in the identification and processing of foreign born inmates to allow for successful standardization in their tracking, consistency in the location and timeliness of identifying such inmates in KDOC custody [including the appropriate application of ICE data], and continuity in the status tracking and final disposition of each foreign born subject.

## DEFINITIONS

**Detainer:** A notice filed by the Department of Corrections acknowledging that it is in receipt of a detainer request from another jurisdiction.

**Detainer request:** A notice received from a jurisdiction having an interest in an offender by virtue of a journal entry, warrant, or other official notice evidencing either an untried indictment, information, or complaint, or a sentencing disposition sent to the jurisdiction having physical custody of the offender requesting notification prior to the offender's release from custody.

**ICE:** An acronym for the federal Bureau of Immigration and Customs Enforcement, Department of Homeland Security.

**Immigration and Customs Enforcement (ICE) Detainer:** An untried detainer request or judgment and commitment for deportation filed by the Bureau of Immigration and Customs Enforcement.

**Private KASPER:** The Department's intranet-based "Kansas Adult Supervised Population Electronic Repository" consisting of basic biographical, criminal history record information, photo, facility movement and disciplinary records for individual offenders committed to Departmental custody and available only to KDOC, community corrections, and selected contract staff.

## PROCEDURES

### **I. Identification, Reporting, and Tracking of Foreign-Born Inmates**

- A. Upon intake into any KDOC facility, all offenders shall be screened in regard to nationality, and the completed inmate data summary sheet of any foreign-born subject shall be immediately faxed to that facility's designated ICE office for review, investigation, and disposition as concerns the matter of detainer status for that subject as determined by ICE.
  - 1. Screening shall consist of review of documentation concerning nationality or citizenship, including but not limited to passports, visas, work permits, etc., if any, and a personal interview of the subject offender.
  - 2. When fingerprinting intake offenders, KDOC staff shall run an additional copy of the fingerprint cards, and shall maintain these at the facility for pick-up by staff of the facility's designated ICE office.
    - a. Facility staff shall notify appropriate ICE office staff by Email and/or FAX as to the identity of the inmate or inmates fingerprinted, and of the availability of the fingerprint cards.
- B. KDOC facility and community supervision staff shall thereafter make timely inquiry to ICE as to detainer status of any such offender, as needed for purposes of programming, facility and housing assignment, and other matters of inmate management, as well as release planning.

## **II. Collaborative Activities Between KDOC and ICE Staff**

- A. Upon verification of employment and authorization to engage in immigration law enforcement activities, ICE officers shall be allowed access to Private KASPER in order to facilitate their ability to more readily identify illegal immigrants in Departmental custody.
- B. ICE officers and legal counsel, as well as federal immigration judges and their staff, shall be permitted to utilize video teleconferencing capabilities in KDOC facilities, and to also visit facilities upon prior arrangement in order to conduct deportation hearings, and/or to obtain a signed deportation waiver.
- C. Cooperative efforts between KDOC staff, ICE officers, and the federal judiciary shall be directed toward developing a realistic plan for the disposition of outstanding detainers on foreign-born nationals in KDOC custody.
  - 1. As deportation is no longer the norm for inmates facing ICE detainers, the issuance of a "No Plans" community placement document for inmates releasing to an ICE detainer shall no longer be the accepted practice.
  - 2. Facility personnel, in cooperation with appropriate field services staff shall, in all cases where deportation has not been assured, prepare secondary plans for the inmate's reentry to the community.

## **III. Reporting Requirements of Release Plans**

- A. In addition to any reporting requirements such inmates may have with regard to KDOC post release supervision, their adherence to reporting and/or supervision requirements established by the Bureau of Immigration and Customs Enforcement shall be recommended to the KPB as a condition of their KDOC post release supervision agreement, one to be enforced via appropriate sanctions for non conformance.

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational

unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

**REPORTS REQUIRED**

None.

**REFERENCES**

None.

**ATTACHMENTS**

None.